



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

**COMMISSION ADJUDICATORY
DOCKET NO. 658**

**IN THE MATTER
OF
MARGE SCHUMM**

DISPOSITION AGREEMENT

This Disposition Agreement is entered into between the State Ethics Commission and Marge Schumm pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in Superior Court, pursuant to G.L. c. 268B, §4(j).

On November 13, 2001, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Schumm. The Commission has concluded its inquiry and, on February 27, 2002, found reasonable cause to believe that Schumm violated G.L. c. 268A, §23(b)(3).

The Commission and Schumm now agree to the following findings of fact and conclusions of law:

-Findings of Fact-

1. Schumm is the Norton Housing Authority ("NHA") Executive Director.
2. In December 2000, the NHA advertised for a full-time maintenance mechanic. The starting salary was \$14.61 per hour (approximately \$30,000 per year). The NHA received approximately 17 applications. One of the applicants was Schumm's daughter's boyfriend.
3. Schumm delegated the hiring process to her subordinate, the maintenance foreman. Schumm, however, reviewed the applications, informally discussed them with the foreman, and advocated that her daughter's boyfriend be hired.
4. At the NHA January 16, 2001 meeting, board members voted 4-0 to appoint Schumm's daughter's boyfriend as the maintenance mechanic. Schumm failed to disclose her daughter's relationship with the successful applicant and her involvement in the hiring process to the Board, her appointing authority. Schumm only stated in her one-page Executive Director's Report that was distributed to board members at that meeting, "I stayed out of the process because I know a couple of the

applicants.” Board members learned at some point after the appointment that the successful applicant was Schumm’s daughter’s boyfriend.

-Conclusions of Law-

5. General Laws chapter 268A, §23(b)(3), in relevant part, prohibits a municipal employee from, knowingly or with reason to know, acting in a manner which would cause a reasonable person having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy the employee’s favor in the performance of the employee’s official duties, or that the employee is likely to act or fail to act as the result of kinship, rank, position or undue influence of any party or person. A municipal employee can avoid a violation of §23(b)(3) by disclosing in writing to her appointing authority the facts which would otherwise lead to such a conclusion.

6. By delegating the hiring process to her subordinate, reviewing the applications, informally discussing them with the foreman, and advocating that her daughter’s boyfriend be hired, Schumm acted in a manner which would cause a reasonable person knowing these facts to conclude that her daughter’s boyfriend could unduly enjoy her favor in the performance of her official duties. Therefore, Schumm violated §23(b)(3). Schumm did not make a written disclosure in accordance with 23(b)(3) as she did not disclose in writing to her appointing authority the nature of her relationship with the applicant (i.e., her daughter’s boyfriend) or her involvement in the application process prior to her involvement in the matter. Moreover, her disclosure was inaccurate and misleading in stating, “I stayed out of the process.”

-Resolution-

In view of the foregoing violation of G.L. c. 268A by Schumm, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Schumm:

(1) that Schumm pay to the Commission the sum of \$2,000 as a civil penalty for his conduct in violating G.L. c. 268A, §23(b)(3);

(2) that she waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

Date: April 18, 2002